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June 30, 2010

Ms. Holly Grover
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

**Subject: SRCSD Comments to Resolution No. R5-2010
XXX, Establishment of a Central Valley Drinking
Water Policy for the Sacramento- San Joaquin
Delta and Upstream Tributaries**

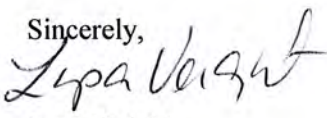
Dear Ms. Grover:

Attached is a marked up copy of the "Resolution No. R5-2010-XXX, Establishment of a Central Valley Drinking Water Policy for the Sacramento-San Joaquin Delta and Upstream Tributaries" provided on behalf of Sacramento Regional County Sanitation District (SRCSD). This is in response to the request for comments on the Drinking Water Policy that will be considered at the Central Valley Water Board Hearing on July 29-30, 2010.

SRCSD staff has appreciated the opportunity to work with the Central Valley Water Board, California Urban Water Agencies (CUWA) and other team members that participated in the Drinking Water Policy Workgroup from 2003 through 2010. Our staff felt that we had made significant progress in the technical work outlined in the January 2003 "Work Plan for Development of Drinking Water Policy Central Valley Regional Basin Plan". Unfortunately, the efforts of that workgroup were abruptly halted when an extension of funding from Proposition 50 was not requested by CUWA. I have also attached a letter previously sent by SRCSD to CUWA regarding the loss of that funding for your reference.

We look forward to participating in the workgroup again with a goal of completing the technical portion of the work plan and ultimately a Drinking Water Policy for the Central Valley. Unfortunately, completion of this work is contingent upon identifying a funding source.

If you have any questions regarding our attached comments, please contact me at 916-876-6038.

Sincerely,

Lysa Voight
Senior Civil Engineer

Attachments: SRCSD Markups to Drinking Water Policy Resolution
SRCSD letter to CUWA dated May 13, 2010
cc: Stan Dean, Terrie Mitchell, Tom Grovhoug, Linda Dorn

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2010-XXX

ESTABLISHMENT OF A
CENTRAL VALLEY DRINKING WATER POLICY
FOR THE
SACRAMENTO-SAN JOAQUIN DELTA AND UPSTREAM TRIBUTARIES

Whereas, the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds that:

1. The Sacramento-San Joaquin Delta (Delta) provides drinking water to more than 23 million people or about 60 percent of the population of California.
2. The Central Valley Water Board recognizes that specific treatment requirements are imposed by state and federal drinking water regulations on the consumption of surface waters, including the Delta.
3. The degree of treatment for drinking water required by state and federal regulations depends on the quality of the source water for certain parameters.
4. The surface water drinking water supplies in the Delta are currently of sufficient quality that municipal water users are required to provide the minimum level of treatment specified in the regulations; however, there are concerns by water agencies about future treatment requirements and costs associated with treatment required for drinking water~~maintaining the water quality to protect future drinking water beneficial use.~~
5. The CALFED Bay-Delta Program ~~is-was~~ a cooperative effort of more than 20 state and federal agencies including the Central Valley Water Board, the State Water Resources Control Board (State Water Board), the U.S. Environmental Protection Agency (USEPA), the California Department of Public Health (DPH), the California Resources Agencies, and the U.S. Department of the Interior. Its mission ~~is-was~~ to develop and implement a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the Bay-Delta. Currently, the following agencies have been convened to continue this mission.... (indicate current program and agencies)
6. The CALFED Bay-Delta Program identified the following drinking water quality concern:

Source water from the Bay-Delta poses treatment challenges and public health concerns for the 22 million Californians who drink the water. [CALFED Bay-Delta Program Water Quality Program Plan, July 2000, pgs. 3-4]

7. In August 2000, CALFED issued the Record of Decision (ROD) for the Programmatic Environmental Impact Statement/Environmental Impact Report requiring the California Bay-Delta Authority (CBDA), with the assistance of the DPH to coordinate a comprehensive source water protection program. One element of this source water protection program is to "establish a comprehensive State drinking water policy for the Delta and upstream tributaries by the end of 2004."
8. The Central Valley Water Board is a signatory to the Implementation Memorandum of Understanding for the CALFED Drinking Water Quality Program, executed on 22 May 2002, which states that:

CVRWQCB, in consultation with DHS [now DPH], SWRCB, and USEPA, will have primary responsibility for development of a State drinking water policy for the Delta and its tributaries.
9. The State Water Board sets water quality objectives for salinity that protects all beneficial uses including municipal and industrial beneficial uses in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.
10. The State Water Board's Sources of Drinking Water Policy (Resolution No. 88-63), as incorporated into the Central Valley Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised September 2009 establishes that all waters within the San Joaquin River and Sacramento River basins are considered suitable or potentially suitable to support the MUN beneficial use, with certain exceptions.
11. The Central Valley Water Board has authority to formulate and adopt water quality control plans, establish water quality objectives, and develop implementation plans under California Water Code §13240, §13241, and §13242. Water quality objectives are defined under State law as "the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area." (Water Code §13050(h)).
12. USEPA water quality standards regulations require each state to adopt an "antidegradation" policy and specify the minimum requirements for the policy (40 CFR 131.12).

13. The State Water Board's Policy with Respect to Maintaining High Quality of Water in California (Resolution No. 68-16) incorporates the federal antidegradation policy and restricts reductions in water quality even if beneficial uses are protected. Changes in water quality are allowed only if they are consistent with maximum benefit to the people of the State, do not unreasonably affect beneficial uses, and do not result in water quality less than that prescribed in water quality control plans or policies. Administrative Procedures Update No 90-004 provides guidance for implementation of the State and federal antidegradation policies. This guidance requires an antidegradation analysis to be conducted for any new or expanded discharge with the potential to degrade water quality.
14. Water Code §13000 states that "activities and factors which may affect the quality of the waters of the state shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those water and the total values involved, beneficial and detrimental, economic and social, tangible and intangible."
15. The *Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary* designates municipal and domestic supply (MUN) as a beneficial use of the Delta. The Basin Plan has also designated the drinking water municipal and domestic supply beneficial use (MUN) for most waters in the Central Valley, including the Sacramento-San Joaquin Delta.
16. The Basin Plan includes narrative objectives for chemical constituents, taste and odor, sediment, suspended material, and toxicity, and numeric objectives for chemical constituents and salinity. The Basin Plan incorporates the primary and secondary maximum contaminant levels specified in Title 22 of the California Code of Regulations for waters designated MUN. The Bay-Delta Plan also includes numeric effluent limitations that apply within the Bay-Delta.
17. Although the Basin Plan addresses many constituents that threaten drinking water source waters, the 1998, 2002 and 2006 Triennial Reviews of the Basin Plan identified development of a policy for maintaining water quality for drinking water as high priority.
18. After the CALFED ROD was issued, the Central Valley Drinking Water Policy Workgroup (Workgroup) was formed to develop a comprehensive drinking water policy. The Workgroup is comprised of federal and state agencies, drinking water purveyors, and wastewater, municipal and agricultural dischargers.

19. In 2003, the Workgroup developed a Work Plan that described necessary listed technical analysis to support the development of a drinking water policy. That technical analysis included identification of parameters of concern, examination of regulatory programs in other regions, states and countries, water quality and watershed modeling, water quality monitoring, and source control options, effectiveness and cost analysis, and drinking water treatment feasibility options and cost analysis.
20. In 2003, California Urban Water Agencies (CUWA) and Sacramento Regional County Sanitation District entered into a contract with the State Water Board to reimburse staff costs for one half of a staff person each per year for work performed on the development of the drinking water policy. This contract has been amended several times to continue funding staff through June 2010.
21. In 2004, CUWA, acting on behalf of the Work Group, -was awarded a Proposition 50 grant of \$970,000 to develop technical studies and perform watershed monitoring consistent with the 2003 work plan to support the development of the Central Valley Drinking Water Policy.
22. In July of 2004, Resolution No. R5-2004-0091 was adopted to continue support for development of a comprehensive drinking water policy after the CALFED ROD date of 2004.
23. The following drinking water constituents of concern have been identified by stakeholders as high priority for study and evaluation: salt (including bromide), nutrients, organic carbon and pathogens such as *Cryptosporidium* and *Giardia*.
24. The Workgroup gathered available existing ambient water quality data for the Delta and major tributaries. Information included by identifying the entity groups performing monitoring, time period covered, monitoring locations, constituents, data quality, and frequency of monitoring. Existing water quality data was gathered into a comprehensive database.
23. Between 2006 and 2007, conceptual models were developed for the Work Group for organic carbon, nutrients, pathogens and pathogen indicators, and salinity which produced preliminary loading analysis, identified data gaps, and provided recommendations for the next steps. The conceptual models identified the need for additional data needs for each of these constituents of concern to refine current loading estimates from the different sources.
24. There is currently inadequate information to evaluate the potential for organic carbon, *Cryptosporidium* and *Giardia* to impact the drinking water beneficial use. The organic carbon conceptual model recommended collecting additional source data, specifically from wastewater treatment plants and fish

Comment [LysaV1]: Numbering error here

hatcheries. The pathogen conceptual model recommended collecting additional data for *Cryptosporidium* and *Giardia* in ambient surface water, Delta pumps, and wastewater and urban storm water discharges.

25. ~~Existing water quality data was gathered into a comprehensive database.~~ The conceptual models did not recommend additional data to be collected from irrigated lands, since the Irrigated Lands Regulatory Program requires monitoring for organic carbon and nutrients in representative receiving waters that receive discharge(s) from irrigated lands. However, information is needed regarding practical management practices that can be implemented on irrigated lands, along with the efficacy of those practices at reducing constituents of concern and the cost estimates for implementing them.
26. The Proposition 50 grant included funding for monitoring at wastewater treatment plants and fish hatcheries, source control analysis, drinking water treatment and cost evaluations, and the development and refinement of analytical water quality and watershed models to evaluate the sources of pollutants at the Delta drinking water intakes under present and projected future conditions.
27. In December 2008, the Governor issued a stop work order on all proposition funded projects. This halted the technical studies funded by the Proposition 50 grant to support the development of the Drinking Water Policy.
28. In December 2009, the Department of Financial Assistance issued a conditional restart for the Proposition 50 grant. The conditional restart stipulated that the project be completed by 31 March 2010 for a dollar value not to exceed \$200,000.
29. In February 2010, the State Water Board's Department of Financial Assistance offered the grantee the opportunity to apply for a grant extension for the Proposition 50 grant until 1 March 2011 and reinstated the entire amount of the grant. CUWA did not act on the grant extension and the work products deemed to be necessary under the 2003 work plan have was-not been completed.
30. The Governor's stop work order and the subsequent restart of the grant more than a year later disrupted the stakeholder effort to move forward with various elements of the grant. The following work is unfinished:
 - Water quality monitoring for selected constituents of concern in publicly owned treatment works and fish hatchery effluents in the Central Valley
 - Evaluation of potential control strategies and costs
 - Completion and Refinement of drinking water treatment evaluations and costs

- Completion and Refinement of analytical water quality modeling for the Delta watershed and Delta waters.
- ~~Analytical model within the Delta was not completed~~
- ~~Work Group and or other scientific peer review~~
- Resolution of equity issues regarding the funding of management activities that are beneficial to various stakeholders.
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31. There are ongoing efforts to address salts and nutrients in surface waters, including the Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS) program and the State Water Board effort to develop nutrient numeric endpoints. The CV-SALTS effort is addressing salinity and nitrate problems in the Central Valley. The State Water Board, with the support of US EPA, is working to develop nutrient numeric endpoints to provide guidance regarding the potential regulation of nutrients levels in the State's waters, with the primary goal of maintaining nutrient levels that support the health of aquatic systems. The nutrient numeric endpoints are also to provide guidance regarding the role of nutrient management in the control of limit excessive growth of macrophytes or phytoplankton, potentially harmful algal blooms leading to oxygen declines, and other potential adverse effects imbalance of on aquatic species, ~~public health threats~~, and a general decline in aquatic resources.

Comment [LysaV2]: Have public health threats been identified from nutrients in surface waters?

32. Work in the Delta by a multi-agency workgroup which is focused on determining the causes of the ongoing pelagic organism decline (POD) has recently been focused on the pelagic food web and the role of nutrients. The results of that work are inconclusive at this time.

Comment [LysaV3]: Define this agency

33. The Workgroup has concluded that adequate information has not been collected to determine current and potential future drinking water quality conditions in the Delta with regard to organic carbon, *Cryptosporidium* and *Giardia*. In addition, the Workgroup has concluded there is inadequate information to develop a comprehensive drinking water policy. Many of the data needs have been identified by the Workgroup.
34. The Workgroup has discussed whether development of water quality objectives should be a high priority for organic carbon and *Cryptosporidium* and *Giardia* at this time, taking into consideration the resource requirements for objective development and the lack of data to determine current trends in constituent concentrations or loads. At this time, subsequent data and information on the effects and fate and transport analysis of these parameters would be required to develop water quality objectives for organic carbon, *Cryptosporidium* and *Giardia* to protect the drinking water beneficial use. It would be necessary to have a better understanding of the ecosystem needs for organic carbon in the Delta, more data on background levels of these

constituents in the Delta and tributaries to the Delta, and completion of the source control, drinking water treatment options and costs and analysis work. There is currently no funding to accomplish this work.

THEREFORE BE IT RESOLVED:

1. The Central Valley Water Board is committed to developing a comprehensive Drinking Water Policy for the Delta and tributaries and the Board encourages the Workgroup to continue to work with us to develop a comprehensive policy.
2. The Central Valley Water Board believes that other efforts that are underway are the appropriate venues for working on salt and nutrients. These efforts include CV-SALTS, the State Water Board's development of nutrient numeric endpoints and work of the Pelagic Organism Decline (POD) workgroup directed toward addressing questions related to the Delta aquatic food web and nutrients.

3. The Central Valley Water Board directs staff to identify and assist in procuring funding sufficient to allow the Workgroup to reconvene and complete the remaining unfinished tasks.

3.4. The Central Valley Water Board recommends that continued efforts of this Workgroup focus on organic carbon, *Cryptosporidium* and *Giardia*.

4.5. The Central Valley Water Board recognizes that, while the Workgroup has not agreed upon the ultimate content and scope of the policy, collection of additional data and information on discharges and alternative control practices will enhance the effective use of existing models and those under development to predict changes in ambient conditions and loading from significant source categories. Additionally, it is necessary to complete the evaluation of the effects of ambient water quality changes on drinking water treatment needs and costs. The information is essential for evaluating what elements should be included in a comprehensive policy and what resources will be required to develop the policy.

- 5.6. The Central Valley Water Board directs staff to take the following actions:
- Coordinate with Workgroup to seek grant funding.
 - Continue to ensure that the drinking water constituents of concern are considered when NPDES facilities conduct their anti-degradation analyses.
 - Evaluate whether ambient monitoring to evaluate fate and transport uncertainties monitoring should be implemented required for organic carbon, *Cryptosporidium* and *Giardia*. If that work is performed, also

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evaluate whether -monitoring from significant sources of these constituents should be required.

- Ensure that the priority constituents of concern for drinking water supplies are integrated into the Regional Monitoring Program for the Delta.

6.7. The Central Valley Water Board recommends that the following actions be implemented by other entities:

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- Municipal Water Quality Investigations Program of the Department of Water Resources should monitor for *Cryptosporidium* and *Giardia* in the Delta waterways as well as the tributaries of the Delta.
- Department of Public Health should evaluate data collected for the drinking water constituents of concern and provide input on potential public health impacts at the levels detected.

7.8. The Central Valley Water Board directs staff to work with the Workgroup to develop an outline for what should be contained in the comprehensive policy and develop a workplan and funding proposal for completion of information needed to support each of the policy elements. The Board recommends that be completed within a year of adoption of this resolution.

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Comment [LysaV4]: Without funding, how can we set a timeline of a year?

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Water Quality Control Board, Central Valley Region, on _____.

PAMELA C. CREEDON, Executive Officer

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Treatment Plant****8521 Laguna Station Road****Elk Grove, CA 95758-9550****Tele: [916] 875-9000****Fax: [916] 875-9068****Board of Directors
Representing:****County of Sacramento****County of Yolo****City of Citrus Heights****City of Elk Grove****City of Folsom****City of Rancho Cordova****City of Sacramento****City of West Sacramento****Mary K. Snyder**
*District Engineer***Stan R. Dean**
*Director of Policy and Planning***Prabhakar Somavarapu**
*Director of Operations***Marcia Maurer**
*Chief Financial Officer***Claudia Goss**
Director of Communications

May 13, 2010

Ernesto A. Avila, P.E.
Executive Director
California Urban Water Agencies
455 Capitol Mall, Suite 705
Sacramento, CA 95814**Subject: Time Extension Request for Proposition 50 Grant for Development of a
Central Valley Drinking Water Policy**

Dear Mr. Avila and California Urban Water Agencies Board Members:

The Sacramento Regional County Sanitation District (SRCSD) has partnered with California Urban Water Agencies (CUWA) since February 2003 supporting the development of a Drinking Water Policy that would be incorporated into the Sacramento-San Joaquin Basin Plan by the Central Valley Regional Water Quality Control Board (Regional Board). Together, SRCSD and CUWA have funded a staff position at the Regional Board and have worked in concert with a broad group of stakeholders to develop a Drinking Water Policy.

As you might expect, SRCSD was disappointed to learn that the CUWA Board chose not to request an extension of the Proposition 50 grant money to complete the technical work outlined in the January 2003 "Work Plan for Development of Drinking Water Policy Central Valley Region Basin Plan" (Work Plan). This Work Plan was prepared jointly by the California Bay-Delta Authority, Department of Health Services, Regional Board, CUWA, and SRCSD.

In light of all the stakeholders that have been engaged in the Work plan development and implementation, it is regrettable that CUWA chose to suddenly and independently not request a time extension for the grant, indicating there was a "lack of progress." We observe that there has been significant progress in the development of the technical information necessary for the Regional Board to develop a defensible Drinking Water Policy. For example, the workgroup has identified and selected the high priority drinking water constituents of concern, compiled existing data for these priority constituents into a comprehensive database, and developed conceptual and analytical models for their study. Most of the remaining Work plan tasks are in progress, including the collection of information to fill data gaps, reviewing and evaluating drinking water treatment effectiveness and costs under varying source control scenarios, development of analytical modeling tools, and evaluating source control effectiveness and costs for the various priority constituents. The Proposition 50 grant money was to be utilized to complete these remaining tasks.

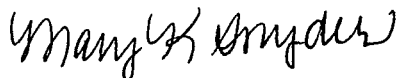
Unfortunately, when the State budget crisis hit in December 2008, the Proposition 50 Bond Funds were frozen, and as a result, much of the in-progress technical work described above was placed on hold. The grant was not reinstated until December 2009. The lack of progress during that time is directly due to a lack of funding, and outside the control of the Regional Board or the stakeholder group. By not requesting a time extension of the grant monies for the remaining technical work, which is essential to the completion of a Drinking Water Policy, a basin plan amendment will likely not be completed.

Mr. Ernesto Avila
CUWA Board Members
May 13, 2010
Page 2

SRCSO is still committed to finishing tasks as agreed upon in the 2003 Work plan, but is opposed to using partially developed tools or information for developing a Drinking Water Policy basin plan amendment. SRCSD is willing to work with CUWA or CUWA's member agencies to complete the use of these valuable tools that will provide the sound technical basis for the development of a Drinking Water Policy.

We are requesting that the CUWA Board request an extension of the available Proposition 50 grant to provide the necessary funding to complete the technical tasks outlined in the 2003 Work Plan. We would be willing to meet with you individually or at your next CUWA Board meeting to discuss this opportunity and will be contacting you shortly to arrange a meeting. If you desire further information, please contact me at 916-876-6004 or Terrie Mitchell, Legislative and Regulatory Affairs Manager at 916-876-6092.

Sincerely,



Mary Snyder
District Engineer

cc: CUWA Board Members as listed below:

Walter Bishop, General Manager, Contra Costa Water District
Dennis Diemer, General Manager, East Bay Municipal Utility District
Jill Duerig, General Manager, Zone 7 Water Agency
Beau Goldie, Chief Operating Officer, Santa Clara Valley Water District
Ed Harrington, General Manager, San Francisco Public Utilities Commission
Debra C. Man, Chief Operating Officer, Metropolitan Water District of S. California
James McDaniel, General Manager, Los Angeles Department of Water and Power
Maureen Stapleton, General Manager, San Diego County Water Authority
Marsi Steirer, Deputy Director, San Diego Public Utilities Department
Walt Waldow, General Manager, Alameda County Water District
Pamela Creedon, CVRWQCB
Sue McConnell, CVRWQCB
Jerry Bruns, CVRWQCB
Sam Harader, State Water Resources Control Board (SWRCB)
SWRCB Members
CVRWQCB Members
John Ungvarsky, US EPA Region 9
Debbie Webster, Executive Officer - Central Valley Clean Water Agencies
Stan Dean, SRCSD Director of Policy and Planning
Terrie Mitchell, SRCSD Legislative and Regulatory Affairs Manager
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Leah Orloff, Water Resources Manager, Contra Costa Water District

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